IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

MONDAY THE FIFTH DAY OF APRIL TWO THOUSAND AND FOUR
: PRESENT :
THE HON'BLE DR.JUSTICE: **MOTILAL B. NAIK**
AND
THE HON'BLE MR.JUSTICE: **DALAVA SUBRAHMANYAM**

W.P. No.6419 of 2004

Between:
M/s. Spandana Yuvajana Sangam, rep. by its K. Narsimulu, r/o. Rangareddyguda, Balanagar Mandal (Mahabubnagar District)

Petitioner

AND

1. The Regional Transport Officer, Mahaboobnagar.
2. The Assistant Motor Vehicles Inspector, O/o. Regional Transport Authority, Mahabubnagar.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court will be pleased to issue a writ, order or direction more particularly a writ of mandamus declaring the seizure of the petitioners vehicle AUTO RIKSHWA (Three Wheeler Motor Cab) bearing registration No. AP 22 T 9285, seized by the second respondent under vehicle check report No.VCR.No.178642, dt.29-3-2004, under Section 8 of the APMV Taxation Act, as illegal, improper and without jurisdiction and consequently direct the respondents to release the petitioners Auto Rickshaw, forthwith pending enquiry

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.John Rajendra Prasad, Advocate for the Petitioner and of the Govt. Pleader for Spl. Taxes for the Respondents

The Court made the following ORDER :

"Seizure of the petitioner's vehicle bearing No.AP 22/T 9285, by the 2nd respondent under Vehicle Check Report No.VCR.No. 178642 dated 29-3-2004 is challenged before this Court on various grounds.

Heard the learned counsel for the petitioner and the learned Special Government Pleader for Taxes for the respondents.

Having regard to the facts and circumstances of the case, without going into the merits of the case, we dispose of the writ petition directing the respondents to release the vehicle in question and the documents seized, if any, in favour of the of the petitioner on condition of the petitioner depositing an amount of Rs.3,000/- (Rupees three thousand only) with the appropriate authority and on furnishing an undertaking to the effect that he would not alienate sell or transfer the vehicle in question to the third parties pending enquiry and would produce the same as and when required by the authorities for the purpose of enquiry. This deposit of the amount and release of the vehicle shall be subject to the result of the enquiry that would be conducted by the authorities according to law. No order as to costs."

ASSISTANT REGISTRAR
// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Regional Transport Officer, Mahaboobnagar, Mahaboobnagar District.
2. The Assistant Motor Vehicles Inspector, O/o. Regional Transport Authority, Mahabubnagar. (**1 and 2 BY RPAD)**
3. Two CCs to G.P. for Spl. Taxes, High Court of A.P., Hyderabad. (OUT)
4. One Spare Copy

Drafted by; KK
Drafted on: 6-4-2004

HIGH COURT

DRMBNJ & DSMJ

DT. 5-4-2004

ORDER

W.P.NO.6419 OF 2004

DIRECTION